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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,633	01/26/2004	Eugene B. Pollock	CUMB 8702US	2276

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POLSTER, LIEDER, WOODRUFF & LUCCHESI
12412 POWERS COURT DRIVE SUITE 200
ST. LOUIS, MO 63131-3615

EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/765,633	Applicant(s) POLLOCK ET AL.	
	Examiner David E. Bochna	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21, 25, 30, 34-37, 39, 41, 42 and 44-50 is/are pending in the application.
- 4a) Of the above claim(s) 1-20, 22-24, 26-29, 31-33, 38, 40 and 51-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 25, 30, 34, 41 and 42 is/are rejected.
- 7) ☒ Claim(s) 35-37, 39 and 44-50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Claims 1-20, 22-24, 26-29, 31-33, 38, 40, and 51-62 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/23/05.

Claim Objections

2. Claims 30, 41 and 46 are objected to because of the following informalities:

Claim 30 recites the limitation "said coupler tube" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 41, last line, it is unclear which surface is being referred to, the inner or outer.

Claim 46 recites the limitation "said coupler tube" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-34 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boynton in view of Buhayar.

In regard to claims 21 and 41, Boynton discloses a tube coupling mechanism for rotationally

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aligning and positively rotationally fixing two adjacent pipe segments relative to each other; the coupling mechanism comprising a tube 2 have an opened end, the tube being sized and shaped to axially receive a pipe segment 1 in the opened end of the tube; a seal 6A to form a fluid tight seal between the pipe segment and the tube; and a keying element 2a which engages ends of the pipe segments to rotationally align and rotationally fix adjacent pipe segments to each other. Boynton only discloses the tube coupler with one end to receive a slotted tube, not two ends. Buhayar teaches that having a tube with either one keyed end and one threaded end, or a tube with two opposed keyed ends are well known equivalents in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the tube of Boynton to include two opposed keyed ends instead of one keyed and one threaded, because they are well known equivalents in the art, as demonstrated by Buhayar.

In regard to claim 25, the keying element 2a is separate from the pipe segments; the pipe segments comprising an opening 1A at the ends of the pipe segments to receive the keying element.

In regard to claim 30, the keying element is integral with the coupler and extends from a surface of the coupler tube.

In regard to claim 34, the keying element comprises a rib 2A extending axially along a surface of the coupler tube; the opening in the pipe segment comprising a slot 1A extending inwardly from an end of the pipe segment.

In regard to claim 42, the key comprises two axially extending legs 2A, the legs being spaced apart from each other.

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Allowable Subject Matter

2. Claims 35-37, 39 and 44-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Houtschilt et al., Robinson, Pfister, Osborn Garay and Lancaster all disclose similar couplings common in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David E. Bochna
Primary Examiner
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